

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SANDRA KAY ODELL,

Plaintiff,

vs.

**Civil Action 2:13-cv-997
Judge Frost
Magistrate Judge King**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

This case was filed on October 7, 2013. Although plaintiff's counsel was expressly advised that the Attorney General of the United States and the United States Attorney for the Southern District of Ohio must be served with process, in addition to the Commissioner of Social Security, *see Clerk's Notice*, ECF 5, *see also* Fed. R. Civ. P. 4(i), it does not appear that service of process has been completed. On February 11, 2014, plaintiff was ordered to show cause by February 25, 2014 why the case should not be dismissed for failure to effect service of process. *Order*, ECF 6 (citing Fed. R. Civ. P. 4(m)). Plaintiff has made no response to that *Order*.

It is therefore **RECOMMENDED** that the action be dismissed, without prejudice, for failure to timely effect service of process.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part

thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

March 7, 2014

s/Norah McCann King
Norah McCann King
United States Magistrate Judge